U. S. BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF VIRGINIA

ABINGDON CALENDAR - APRIL 7, 2004

(The Honorable William F. Stone, Jr. Presiding)

	(Start:	Recess:		Stop:	◆ Trials:	Proceedings)
Attys:	Debto	ors:			Case Nos.:	Trustees:
		<u>9</u>	2:30 A.MPRE-T	TRIAL CON	NFERENCES	
Gifford	RANDY BROWN - Ch. 7 A/P No. 7-04-00009: Determine dischargeability of debt Highlands Union Bank (Hutton) v. Debtor -Contd from 4/7 to file amended complaint or consent order; amended complaint when filed to be scheduled for pre-trial conference this date					
Jackson	MICI		010: Recover mon		-	Shortridge/SO inance Inc ()
Carmody	RAL	A/P 7-04-000 Debtors (Car	BOWMAN-ch7 013: Det. Discharg mody) v. Commo 026 adjudged taxo	nwealth of V	-	
			014: Det. Discharg mody) v. U S A/In	•	ue Service (SO)
Carmody	R∩R	BY EUGENE S	TANI FY		7-03-03808	Shortridge/

9:30 A.M. -PRE-TRIAL CONFERENCES

Thompson FIVE FORTY PARK CORPORATION-ch11 7-03-

7-03-04746

DIP/LM

A/P 7-03-00203: Det. Validity priority & extent of liens/interest in property Debtor v. Pepsi Cola Bottling Co Inc of Norton (Copeland); George E Hunnicutt Jr (Maxwell); Joseph F. Hunnicutt(Maxwell) & FNB

Southeast (Maxwell)

-Heard by telephone conference on 4/6; 4/7 hearing cancelled

10:00 A. M. - MISCELLANEOUS

Proctor CLAUDE HALL-ch7

7-98-02264

Callahan/IJ

Motion #1: Relief - filed 3/12; d/e # 60, 61, 62, 63 – *Recusal**

Branch Banking & Trust - Huebschman)

* order of 3/15 referred to Judge Krumm & set for 4/8 @ 3:00 p.m. via Video

Harman ULYSSES & MARY ALTIZER

7-03-00975

Callahan/SL

Obj of Trustee to Claim #5 of U.S.Dept of Education in amt of \$4,207.78 filed 2/12,

d/e # 31

-Order (agreed) of 3/19 disallowed claim, sustained objection

Copeland BILL GREEVER SR-ch7

7-98-00088

Wick/AF

Motion of Trustee to approve Private Sale of Personal Property of Estate, filed 3/15,

d/e # 294

Snodgrass BRIAN IRVIN-ch7

7-03-01868

Shortridge/AF

Motion of Trustee to extend deadline for objecting to discharge, filed 3/16; d/e #28

-ORDER of 3/19 granted this motion, cancelled hearing

CHRISTOPHER & ROSEY BOARDWINE Kelly

7-03-03343

Shortridge/VS

Motion of Trustee to Approve Compromise with Household Automotive Finance, filed 2/26; d/e # 38

Abingdon Calendar - 4/7/04

10:00 A.M. - MISCELLANEOUS

Lamie BARRY POWERS-ch7 7-03-02594

Wick/S

Obj of Trustee to Claim #4: B-Line/Advanta Bank: filed 2/27; d/e # 27

-Order withdrawing Obj entered 4/1

Obj of Trustee to Claim #5: Alltel Communications Inc: filed 2/27; d/e # 28

Obj of Trustee to Claim #6: GMAC - filed 2/27; d/e # 29

Fee application of Trustee & Attorney for Trustee filed 3/5; d/e/ 3#3

DUANE & JOYCE PRATER - Ch. 7 Vogel

7-04-00288

Vogel/AF

Motion # 1: Relief-filed 2/2 [d/e # 9, 13, 14,]; contd from 3/3 & 4/7 Bank of America, N.A. (Sasser/HUTTON) v. Debtors & Trustee

second amended relief motion filed 2/17; d/e # 16

Movant's certif filed 2/12 d/e # 15, Respondent's Certif filed 2/23; d/e # 20

Response of Trustee filed 2/25; d/e # 22

LAMBERT OIL CO INC-ch7 Lawson

7-03-01183

Callahan/VS

Motion of Helen Meek, Janet Meek, Cameron Harris & Glade Investment (Lyle) to assume executory contract & require immediate pmt of lease obligations

filed 2/17; d/e # 161

-Order (agreed) entered granting Landlord Ch 11 Adm. Expense Claim of \$7,000-

Motion of Trustee (Callahan) to Approve Sale filed 3/22; d/e # 172, and Notice of Trustee's Intent to Sell Property w/Objs to be filed w/court & trustee filed 3/22; d/e # 173

MICHAEL & TAMI HAYDEN-ch7 Money

7-03-04921

Wick/GR

Motion #1: Avoid lien

Debtors v. Eye Physicians of SW Va. Inc, c/o Officer of Managing Agent

Motion #2: Avoid lien

Debtors v. Smyth County Community Hospital c/o Officer or Managing Agent

Abingdon Calendar - 4/7/04

10:00 A.M. - MISCELLANEOUS

Arey ROBERT BREWSTER - Ch. 7 7-04-00376 Vogel/JJ

Motion # 1: Relief-filed 3/4 [d/e # 10, 13, 17]

Branch Banking & Trust Co. (Huebschman) v. Debtor & Trustee

-Recused and referred to Judge Krumm - Ord of 3/24 granted relief

Wick WILLIAM EVERSON-ch7 7-04-00406 Vogel/JJ

Motion of Robert Wick, counsel for debtor, for additional fee of \$200.00 (For representation in Motion #1) Filed 3/8; d/e # 12

Motion #1: Avoid lien - filed 3/8; d/e # 13, 14

William Everson v. Washington Mutual Finance c/o Renae Huebel, Bankruptcy Specialist, Pensacola FL, <u>and</u> Washington Mutual Finance, Bristol TN attn David Franks

Certificate/proof of service filed 3/11, d/e # 17

Wick MOE AND COMPANY INC 7-01-02029 Callahan/SJ

Motion of Trustee Callahan for fee of \$3174.55 and \$81.77 expenses filed 3/3; d/e # 35, 36, 37, 38

-Trustee's Notice of No Objs; Order/Notice self-executing filed 4/5

Proctor DOUGLAS PRUITT-ch7 7-01-03088 Callahan/AF

Motion for compensation of Trustee of \$2,255.46 & \$189.58 expense, filed 3/5; d/e # 77, 78, 85, 89

-Trustee's Notice of No Objs; Order/Notice self-executing filed 4/5

Motion for compensation of Counsel for Trustee LeClair Ryan of \$756.00 and \$94.79 Expenses, filed 3/5; d/e # 79, 80, 86, 89

-Trustee's Notice of No Objs; Order/Notice self-executing filed 4/5

Motion for Compensation of Icenhour & Edens, Special Counsel in amt of \$5,000 and \$110 expenses, filed 3/5; d/e # 83, 84, 88, 89

-Trustee's Notice of No Objs; Order/Notice self-executing filed 4/5

Abingdon Calendar - 4/7/04

10:00 A.M. - MISCELLANEOUS

Money JOSEPH FRANCIS-ch7

7-01-00208 Callahan/AF

Motion for compensation of Graham & Graham, Special counsel for trustee, in amt of 1,919.50, filed 3/5; d/e # 55, 56, 63, 67

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Motion for compensation of LeClair Ryan, counsel for Trustee in amt of \$5,142.00 and \$229.19 expenses filed 3/5; d/3e # 59, 60, 65, 67

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Motion for compensation of Trustee in amt of \$4,501.05 and \$171.86 expenses Filed 3/5; d/e # 61, 62 , 66, 67

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Lamie ROBERT & LINDA BROWER

7-01-05016

Callahan/JJ

Motion for compensation of \$738.00 & expense of \$123.48 for LeClair Ryan, attorney for Trustee filed 3/2; d/e # 52, 53, 55, 56

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Motion of Trustee for compensation of \$2,485.65 & \$177.60 expense filed 3/2; d/e # 50 51, 54, 56

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Proctor ARMONA MULLINS`

7-01-04043

Callahan/VS

Motion of Trustee for compensation of \$1,808.30 and \$13.89 expense, filed 3/2 d/e # 89, 90, 93, 95

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Motion of Counsel for Trustee LeClair Ryan for compensation of \$1.740.00 & \$155.39 expense, filed 3/1; d/e # 91, 92, 94, 95

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Jessee DARRELL BREEDING-ch7

7-02-03003

Callahan/VS

Motion of Trustee for compensation of \$8,000.58 & \$259.05 expense, filed 3/3; d/e # 122, 123, 126, 128

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Motion of LeClair Ryan, Counsel for Trustee, for fees of \$3,636.00 & \$252.98 expense, filed 3/3; d/e # 124, 125, 127, 128

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Abingdon Calendar - 4/7/04

10:00 A.M. - MISCELLANEOUS

Cody WILLIAM & TERESA JOHNSON

7-01-02547

Callahan/NS

Motion of Trustee for compensation of \$1,856.38 & \$157.99 expense filed 3/2; d/e # 80, 81, 84, 86

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Motion of LeClair Ryan, counsel for trustee, for fees of \$510.00 and \$102.33 expense filed 3/2; d/e # 82, 83, 85, 86

-Notification of Trustee filed 4/5 of No Objs; Order/Notice self-executing

Pro se ROY & LAVICIE ASBURY - Ch. 7

7-03-04708

CallahanAF

Trustee's Motion to Reinstate Case [d/e # 24]

-ORDER of 3/19 Re-Opened Case and Waived filing fee & directed U.S.Trustee to appoint trustee d/e #27; creditors mtg scheduled 5/6 @ 9:30 at Abingdon, d/e # 28

Proctor OLA ASHBY-ch7

7-03-04537

Vogel/NS

Motion #1: Relief - filed 3/10; d/e # 28, 29

Nissan Motor Acceptance Corp (P Black) v. debtor & trustee

Movant certification filed 3/15, d/e # 31; Respondents Certification filed 3/22; d/e # 33

-consent order circulating - see fax

Snodgrass ANTHONY & APRIL HUFF - Ch. 7

7-02-04596

Allen/JJ

Motion # 1: Relief–filed 3/12 [d/e # 45]

Americredit Financial Services, Inc. (Epps) v. Debtors & Trustee

movant certification filed 3/19; d/e # 47

-Default Order entered 4/1 granting relief from stay [d/e # 48]

Farthing JAMES & ANITA HUTCHENS - Ch. 7

7-03-00018

Vogel/AF

Motion # 2: Relief–filed 3/15 [d/e # 41]

Chase Manhattan Mortgage Corp. (Clarke) v. Debtors & Trustee

Answer of Debtors filed 3/23; d/e # 43

Respondent's certification filed 3/23; d/e # 44

McDaniel BRIAN & WHITNEY MCCRACKEN-ch7

7-03-04473

Allen/VS

Motion #2: Relief filed 3/17; d/e # 39, 41

First Horizon Home Loan Corp (Wood) v. debtors & trustee

-Consent Order circulating - see fax

Abingdon Calendar - 4/7/04

10:00 A.M. - MISCELLANEOUS

Farthing PAUL & OPAL HARMON-ch7

7-01-03610

Callahan/GR

Motion #1: Sell property Free & Clear of Liens and Mot to compensate professional

William E. Callahan Jr., Trustee (Callahan) v. Gryson County VA (Parks);

Chase Manhattan Mortgage Corp (Brandel); Marion V. Baker (Stetson); Deutsche

Bank (Brandel) and Debtors, filed 3/17; d/e # 42,

Notice of Trustee's Intent to sell property w/objections to be filed/ served

on trustee, filed 3/17; d/e #43

Copeland JOY WADE

7-04-00395

Vogel/SL

Motion #1: Relief - filed 3/15; d/e # 11, 12

Chase Manhattan Mortgage (Sasser) v. debtor & trustee

Snodgrass DARRELL & MALINDA WORLEY-ch7

7-04-00730

Allen/VS

Motion #1: Relief - filed 3/19; d/e # 9, 10

Oakwood Acceptance Corp (Maxwell) v. debtors & trustee

Response of Debtors filed 3/29; d/e # 11

-Consent order in transit - see fax

Farthing ROBERT & SHERRY HOOVEN

7-04-00512

Widener/SJ

Motion #1: Relief - filed 3/18; d/e # 18, 19

Vanderbilt Mortgage & Finance (Maxwell) v. Robert W. Hooven & Trustee

Order (agreed) entered 4/1

Motion #2: Relief from Co-Debtor Stay filed 3/18 d/e # 20, 21

Vanderbilt Mortgage & Finance (Maxwell) v. Robert W. Hooven & Catherine

V. Coleman, co-debtor, and trustee

-No Objs filed; Order/Notice self-executing; hearing cancelled

Oglebay BILLY BRADLEY-ch7

7-04-00511

Krippend/GR

Motion #1: Relief - filed 3/18; d/e # 10, 11

Nissan Motor Acceptance Corp (VanBeek) v. debtor & trustee

-ORDER (Consent) entered 4/6

Abingdon Calendar - 4/7/04

10:00 A.M. - MISCELLANEOUS

Copeland DONALD & CONNIE WOODRUFF

7-04-00731

Allen/GR

Motion #1: Relief - filed 3/18; d/e # 10, 11

Homecomings Financial Network (McQuiddy) v. debtors & trustee

-ORDER entered 3/31 granted relief, cancels hearing

Copeland G AND A COAL CO INC-ch7

7-99-02321

Callahan/GR

Motion (7th Interim) of Counsel for Trustee (Goldstein) in amt of \$2,215.80 &

\$193.47 expenses filed 3/22; d/e # 319

Motion to Shorten Notice Requirement also filed 3/22; d/e # 320

Jessee LEROY M. HULL CO., INC. - Ch. 7

7-01-03786

Wick/JJ

Motion of Claas of America for order authorizing payment of allowed secured

11:00 A.M. - MISCELLANEOUS

Copeland JERRY & CATHY STURGILL

7-03-00093

DIP/VS

Confirmation of Plan filed 11/20; d/e # 77_contd from 3/3

Motion of Debtors to Approve Sale and Permit debtors to conduct Going-Out-Of-Business Sale, filed 3/23, with Motion to Shorten Notice, d/e # 89

Copeland HARMAN MINING CORP-Chll BSG case

7-98-01988

DIP/AF

Motion (10th Interim) of Magee/Foster/Goldstein/Sayers, counsel for

Unsecured Creditors' Committee (Goldstein) for fees of \$3,607.20 and \$212.44 Expense filed 3/22; d/e # 864 filed with Motion to Shorten Notice 3/22; d/e # 865

Abingdon Calendar - 4/7/04

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Snodgrass CLAUDE & MARY NESTER

7-03-05176

Widener/JJ

Case dismissed 3/4/04 on Motion of Trustee heard on 3/3

Hutchinson PERRY & TERRY STEVENS

7-04-00001

Widener/GR

Plan filed 1 /2; d/e # 6

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/29; d/e # 17

Snodgrass CHRISTOPHER & JOAN PAULEY

7-04-00019

Widener/GR

Amended Plan filed 3/2; d/e # 16; certif of service filed 3/4; d/e # 18

Snodgrass TAMMY BEEMAN

7-04-00079 Widener/NS

Plan filed 1/23; d/e # 13

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/19; d/e # 20 -note: valuation motions have been scheduled for 4/21 @ 1:00

Snodgrass BRENDA FRITTS

7-03-04378 Widener/AF

Mod Plan filed 1/14; d/e # 27, 28 (w/limited service on plan) contd from 3/3

Trustee Show cause: Dismiss/convert, filed 12/1; d/e # 17, contd from prior hearing 1/7

Valuation: Nissan Motor Acceptance Corp: 2001 Nissan Sentra, filed 2/25; d/e # 31

Response of Nissan filed 3/11; d/e # 37, (BanBeek)

Valuation: Union Acceptance Corp: 1999 Dodge Ram 1500 Pickup filed 2/25; d/e # 32

Slavin DIANE WRIGHT

7-03-05368

Widener/AF

- Orig. plan filed 3/24; now set for 5/5 @ 1:00

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/19; d/e # 14

relief motion being filed re: mortgage: to be set 4/21 @ 1:30

Abingdon Calendar - 4/7/04

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Snodgrass DAVID & INIS ASHLIN

7-04-00056

Widener/JJ

-Mod Plan filed 4/2 set for 6/9 @ 1 conf.

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/19; d/e # 19

Obj: Highlands Union Bank (Hutton) filed 3/30; d/e # 23 *Note: valuation Motion filed 3/22 set for 4/21 @ 1:00*

Snodgrass RICKY MCPEAK

7-03-02792

Widener/SJ

Mod Plan filed 2/4; d/e # 28, 29, 30

Fleenor ERNEST & LORA HALL-chl3

7-04-00039

Widener/VS

Plan filed 1/7; d/e # 6

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/19; d/e # 17

Pro se MATTIE LONG

7-04-00236

Widener/JJ

Plan filed 1/28; d/e # 12, 15, 18

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/19; d/e # 21

Carmody TROY & PEARL HAGY-chl3

7-03-05380

Widener/AF

Plan filed 1/8; d/e # 12, with certificate

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/19; d/e # 22

Mod. Plan filed 4/2 and set for hearing 5/19 @ 1:00 p.m.

Note: avoid lien motion filed & scheduled 5/5 @ 10:00+

Valuation: 1998 Fo5rd F150: Ford Credit, filed 1/14; d/e # 14

-Default Order entered 2/17 that fair market value of 1998 Ford F-150 fixed at \$9,075 [d/e # 16]

Abingdon Calendar - 4/7/04

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Snodgrass CLAUDE, JR., & MARY NESTER - Ch. 13 7-03-05176 Widener/JJ

-DISMISSED 3/4 ON TRUSTEE MOTION (no pmts made since filing date)

Lamie WILLIAM, JR., & DEBORAH WILSON - Ch. 13 7-04-00098 Widener/AF

Mod. Plan filed 2/4 w/certificate of service [d/e # 14]

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/19; d/e # 19

Note: Obj to claim #34 of Mortgage Electronic Registration Systems set 5/5 @ 1:00

Via ROBERT & REBECCA HOWARD - Ch. 13

7-03-04961

Widener/GR

Mod. Plan filed 2/18 [d/e # 18, 19] - contd from 4/7

Valuation: Commonwealth Community Bank: (? Property)? Filed 3/17; d/e # 22

-contd from 4/7 for 7004(h) service

Timoney EDMUND & MARCIA TABOR - Ch. 13

7-04-00106

Widener/JJ

Plan filed 1/12; d/e # 6

Trustee Report, Obj & Showcause: Dismiss/convert, filed 3/19; d/e # 19

Motion for Valuation of 1999 Ford Escort; Wachovia Bank, creditor [d/e # 16]

Snodgrass WILBERT & PALFALENE CHANDLER - Ch. 13 7-03-05187

Widener/NS

Mod. Plan filed 2/18 [d/e # 20, 21]

Trustee Report, Obj & Showcause: Dismiss/convert, filed 2/17; d/e # 19 contd fr 3/3 on condition that case to dismiss on tr. Notification of failure to pay 1 pmt in arrears by 3/8

Snodgrass HOWARD, JR., & SHARON CHEWNING - 13 7-03-05217

217 Widener/NS

Mod. Plan filed 2/18 [d/e # 16, 17]

--Trustee's Report, Obj & Show Cause: Dismiss/ Convert [d/e # 14] contd from 3/3

Motion #1: Relief - filed 3/8; d/e # 21, 22; movant certification #25

WFS Financial Inc (Epps) v. debtors & trustee

-Consent Order granting relief entered 3/16

Abingdon Calendar - 4/7/04

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Timoney GEORGE SMITH - Ch. 13

7-03-04800

Widener/SO

Mod. Plan filed 2/17 [d/e # 25] - contd from 4/7

Trustee's Report, Objection & Show Cause on Dismissal or Conversion [d/e # 35]

Farthing JAMES & DEBORAH DAVIS - Ch. 13 7-03-04918 Widener/AF

Amended Plan filed 1/14; d/e # 20, 21

Trustee Report, Obj & Showcause: Dismiss/convert, d/e # 17 contd from 2/4 & 3/3 *Cont fr 3/3 to hear w/Obj to Claim #1 @1:30; ord rec'd/entered scheduled at 1:00 instead See also Obj to Claim at 1:30 below **

1:30 P.M. - MISCELLANEOUS

Farthing **JAMES & DEBORAH DAVIS - Ch. 13 7-03-0

7-03-04918 Widener/AF

Debtor's Objection to Claim # 1 of Litton Loan Service in the

amount of \$65,632.45 [d/e # 25]

Obj: Litton Loan Service (McQuiddy) filed 3/1; d/e # 27

Via KENA & TRACY BARBER-chl3

7-03-00282

Widener/SJ

Motion #4: Relief - filed 3/17; d/e # 75 76

Ford Motor Credit Co (Eason) v. debtors & trustee

-Order of 3/26 granted relief

2:30 P. M. - TRIAL

Carmody BOBBY EUGENE STANLEY

7-03-03808

Shortridge/

A/P 7-04-00012: Det. Dischargeability

LM

Bobby Eugene Stanley (Carmody) v. Kathleen Stanley (Pro se response filed 3/8)

-Rescheduled from 9:30 a.m. by Mr. Carmody's 3/23 letter

Abingdon Calendar - 4/7/04

2:00 P. M. - MISCELLANEOUS

Carmody AMANDA LOWE

7-04-00535

Krippendorf/SL

Motion to Showcause: Contempt: Violation of Stay: Imposition opf Sanctions:

Debtor v. Branch Banking & Trust

recused to Judge Krumm for hearing on 4/8 @ 3:00 via Video (Abingdon)

Carmody RODERICK & DEBORAH BILLINGS - Ch.7

7-03-05052

Wick/SJ

Motion # 1: Avoid Lien-filed 3/1 [d/e # 13]

Debtors v. Edward T. Tolosa, M.D. (

-Default Order entered 3/19 avoiding lien

Motion # 2: Avoid Lien-filed 3/1 [d/e # 16]

Debtors v. CitiBank–South Dakota ()

-Hold proposed order until hearing; pre-hearing order was not entered in this motion

-proposed ord is in motion jacket file

Hutchinson WARREN & MARILYN DISHMAN-chl3`

7-01-00064

Widener/JJ

Motion of Trustee to Dismiss/convert, d/e # 28, contd from 3/17

Gifford THOMAS & LAURA STALLARD - Ch. 13

7-01-01029

Widener/SJ

Motion # 1: Relief-filed 3/1 [d/e # 22]

America's Servicing Co. (Sasser) v. Debtors & Trustee

movant certification filed 3/12; d/e # 27

Hutchinson EDWARD & MELISSA GARRETT-chl3

7-02-02251

Widener/GR

Motion #1: Relief - filed 3/9; d/e # 30, 31

Virginia Credit Union (Lamie) v. debtors & trustee

movant certification filed 3/15; d/e # 32

2:30 P.M. - MISCELLANEOUS

Copeland COAL RIVER RESOURCES INC-chll

7-04-00988

DIP/AF

(Ct consented BSG case be set at Abg IF approved by UST)

Motion of Debtor to Incur Debt Post-Petition filed 3/23; d/e # 20